

09-07-00

PATENT Application No.: 6107.N CN2

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09/06/00  
Jc813 U.S. PTO

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**CERTIFICATE OF MAILING (37 CFR 1.10)**

"Express Mail" N. : EL598997811 US Date of Deposit: September 6, 2000

I hereby certify that this transmittal together with the patent application referred to bel w is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Julie K. Lyons, Legal Assistant  
Name of Person Mailing Paper

Julie K Lyons  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**REQUEST FOR FILING A PATENT APPLICATION  
UNDER 37 CFR 1.53(b)**

Sir:

Applicant(s) hereby request the filing of a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of the pending prior application identified as follows:

Applicant(s) : A. C. Martino, et al.  
Serial No. : 09/327135  
Filed : June 7, 1999  
For : DELAVIRDINE TABLET FORMULATION

Attached is a true copy of the prior complete application as filed including the specification (including claims), drawings, oath or declaration and any amendments referred to in the oath or declaration filed to complete the prior application. No amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein. The Power of Attorney appears in the Declaration or Oath executed in the prior application as filed and a copy is attached hereto. A new Declaration or Oath is thus not required pursuant to 37 CFR 1.63(d).

The particulars of this request are set forth below:

[X] This paper is being filed under the provisions of 37 CFR 1.10 and contains hereon the required Certificate of Mailing by "Express Mail".

**I. AMENDMENTS IN CONNECTION WITH FILING**

- A. ☒ Please cancel claims 25, 27-29, 31 and 32 as they appear in the attached application.
- B. ☒ Please enter the preliminary amendment provided herewith.
- C. ☐ New formal drawings are enclosed.

- D. ☒ Please amend the attached application by providing a new cross reference to related applications before the first line of the specification which reads as follows:

The present Patent Application is a continuation of U.S. Patent Application Serial No: 09/327,135, filed June 7, 1999, which claims the benefit of U. S. Provisional Application Serial no: 60/088,960, filed June 11, 1998, under 35 USC § 119(e)(i).

## II. FILING FEES

The filing fee has been calculated as shown below for the claims pending after the claims cancelled in Part I.A.:

	Total No. of Claims	No. of Claims Without Additional Fee	Excess Claims	\$ Rate	Fee
Total Claims Fee	27	20	7	x 18	126
Independent Claims Fee	1	3		x 78	0
Multiple Dependent Claim	0			x 260	0
Basic Fee					690
Total Filing Fee					\$ 816

**SPECIFIC DEPOSIT ACCOUNT AUTHORIZATION.** Please charge my Deposit Account No. 21-0718 in the amount of the total filing fee above. Triplicate copies of this paper are enclosed.

**GENERAL DEPOSIT ACCOUNT AUTHORIZATION.** The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or during the pendency of this application or credit any overpayment to Deposit Account No. 21-0718:

- (1) Any additional filing fees or fees for the presentation of additional claims required under 37 CFR 1.16.
- (2) Any patent application processing fees under 37 CFR 1.17.

**No authorization is given to charge the Issue Fee (37 CFR 1.18).**

## III. ADDITIONAL INFORMATION

- A. ☐ Priority of foreign application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.

The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

- B. ☐ The prior application is assigned of record to:
- C. ☒ The applicant(s) for the present application are the same as those identified in the above-referenced application.

D. ☐ In accordance with 37 CFR 1.53(d)(4), the deletion of the following person or persons from the new application is requested as this person or persons are not inventors of the invention being claimed in the new application:

E. ☐ The current correspondence address of the applicant(s), if different from that set forth in applicant(s) declaration (37 CFR 1.63), is as follows:

The undersigned hereby requests that all correspondence and telephone communications in connection with this application be directed to the undersigned person at the mailing address and telephone number shown below.

Respectfully submitted,



Bruce Stein, Attorney  
Registration No. 27,231

Date: 00-9-6

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Telefax No. (616) 833-8897 or (616) 833-2316

Attachments:

- ☒ Executed Prior Application as Originally Filed
- ☒ Form 53B (in triplicate)
- ☒ Preliminary Amendment